

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

KATHLEEN HORNE,

Plaintiff,

v.

CITY OF FEDERAL WAY and STEPHEN
McNEY,

Defendants.

No. 2:25-cv-00816-RSM

DEFENDANTS CITY OF FEDERAL
WAY AND STEPHEN MCNEY'S
ANSWER TO COMPLAINT AND
AFFIRMATIVE DEFENSES

JURY DEMAND

Defendants, CITY OF FEDERAL WAY AND STEPHEN MCNEY, in answer to
KATHLEEN HORNE'S complaint, admit, deny and allege as follows:

I. NATURE OF THE CASE

1.1 Defendants admit Plaintiff was formerly an Administrative Assistant with
the City of Federal Way and that she has filed this lawsuit. Defendants deny the remainder
of the allegations contained in Paragraph 1.1.

1.2 Defendants admit Stephen McNey resigned from the City of Federal Way
and deny the remainder of the allegations contained in Paragraph 1.2.

1.3 Defendants deny the allegations contained in Paragraph 1.3.

1.4 Defendants admit that Plaintiff was terminated from the City of Federal and
deny the remainder of the allegations contained in Paragraph 1.4.

II. PARTIES

2.1 Defendants admit that Plaintiff was employed with the City of Federal Way for a period of time. Defendants lack knowledge as to her current residential address and marital status. Defendants deny the remainder of the allegations contained in Paragraph 2.1 as they are legal conclusions.

2.2 Defendants admit that the City of Federal Way is a municipality located in King County, Washington and that Plaintiff was employed with the City of Federal Way for a period of time. Defendants deny the remainder of the allegations contained in Paragraph 2.2 as they are legal conclusions.

2.3 Defendants admit that Steven McNey was the City of Federal Way's Intergovernmental and Public Affairs Officer for a period of time. Defendants deny Mr. McNey currently resides in Washington. Defendants deny the remainder of the allegations as they are legal conclusions.

III. JURISDICTION AND VENUE

3.1 Defendants deny the allegations contained in Paragraph 3.1 as they are legal conclusions.

3.2 Defendants deny that Stephen McNey resides in King County. Defendants admit the City of Federal Way is located in King County. Defendants deny the events and omissions occurred as pled. Defendants deny the remainder of the allegations contained in Paragraph 3.2 as they are legal conclusions.

IV. FACTS

4.1 Defendants deny the date of termination stated and admit the remainder of allegations contained in Paragraph 4.1.

4.2 Defendants admit that Stephen McNey resigned from the City of Federal Way in 2017 and was later rehired. Defendants deny the remainder of the allegations contained in Paragraph 4.2.

4.3 Defendants deny the allegations contained in Paragraph 4.3.

- 4.3.1 Defendants deny the allegations contained in Paragraph 4.3.1.
- 4.3.2 Defendants deny the allegations contained in Paragraph 4.3.2.
- 4.3.3 Defendants deny the allegations contained in Paragraph 4.3.3.
- 4.3.4 Defendants deny the allegations contained in Paragraph 4.3.4.
- 4.3.5 Defendants deny the allegations contained in Paragraph 4.3.5.
- 4.3.6 Defendants deny the allegations contained in Paragraph 4.3.6.
- 4.3.7 Defendants deny the allegations contained in Paragraph 4.3.7.
- 4.3.8 Defendants deny the allegations contained in Paragraph 4.3.8.
- 4.3.9 Defendants deny the allegations contained in Paragraph 4.3.9.
- 4.3.10 Defendants deny the allegations contained in Paragraph 4.3.10.
- 4.3.11 Defendants deny the allegations contained in Paragraph 4.3.11.
- 4.3.12 Defendants deny the allegations contained in Paragraph 4.3.12.
- 4.3.13 Defendants deny the allegations contained in Paragraph 4.3.13.
- 4.3.14 Defendants deny the allegations contained in Paragraph 4.3.14.
- 4.3.15 Defendants deny the allegations contained in Paragraph 4.3.15.
- 4.3.16 Defendants deny the allegations contained in Paragraph 4.3.16.
- 4.3.17 Defendants deny the allegations contained in Paragraph 4.3.17.
- 4.4 Defendants deny the allegations contained in Paragraph 4.4.
- 4.4.1 Defendants deny the allegations contained in Paragraph 4.4.1.
- 4.4.2 Defendants deny the allegations contained in Paragraph 4.4.2.
- 4.4.3 Defendants deny the allegations contained in Paragraph 4.4.3.
- 4.4.4 Defendants deny the allegations contained in Paragraph 4.4.4.
- 4.4.5 Defendants deny the allegations contained in Paragraph 4.4.5.
- 4.4.6 Defendants deny the allegations contained in Paragraph 4.4.6.
- 4.5 Defendants deny the allegations contained in Paragraph 4.5.
- 4.6 Defendants admit the allegations contained in Paragraph 4.6.

1 4.7 Defendants admit records produced in response to the Public Records Act
2 request speak for themselves and that attorney client privilege may apply. Defendants lack
3 knowledge sufficient to form a belief as to the truth of Plaintiff's counsel's "faith and
4 belief" and therefore deny the same. Defendants deny the remainder of the allegations
5 contained in Paragraph 4.7.

6 4.8 Defendants admit records produced in response to the Public Records Act
7 request speak for themselves and that attorney client privilege may apply. Defendants lack
8 knowledge sufficient to form a belief as to the truth of the remainder of the allegations
9 contained in Paragraph 4.8 and therefore deny the same.

10 4.9 Defendants admit the allegations contained in Paragraph 4.9.

11 4.10 Defendants admit that Ms. Audett's notes speak for themselves and deny the
12 remainder of the allegations contained in Paragraph 4.10.

13 4.11 Defendants admit that Ms. Audett's notes speak for themselves and deny the
14 remainder of the allegations contained in Paragraph 4.11.

15 4.12 Defendants currently lack information sufficient to form a belief as to the
16 truth of the allegations contained in Paragraph 4.12 and therefore deny the same.

17 4.13 Defendants admit Stephen McNey resigned from the City of Federal Way;
18 Defendants currently lack knowledge sufficient to form a belief as to the contents of Public
19 Records Act responses reviewed by Plaintiff's counsel and therefore deny the same.

20 4.14 Defendants admit the City cannot compel former employees to participate in
21 workplace investigations and deny the remainder of the allegations contained in paragraph
22 4.14.

23 4.15 Defendants admit the published news article speaks for itself and deny the
24 remainder of the allegations contained in Paragraph 4.15.

25 4.16 Defendants deny the allegations contained in Paragraph 4.16.
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1 4.17 Defendants currently lack knowledge sufficient to form a belief as to the
2 truth of the allegations contained in the first sentence of Paragraph 4.17 and therefore deny
3 the same. Defendants admit the remainder of the allegations in Paragraph 4.17.

4 4.18 Defendants admit a meeting occurred between Ms. Audett and Ms. Horne on
5 May 1, 2023 and deny the remainder of the allegations contained in Paragraph 4.18.

6 4.18.1 Defendants deny the allegations contained in Paragraph 4.18.1.

7 4.18.2 Defendants deny the allegations contained in Paragraph 4.18.2.

8 4.18.3 Defendants deny the allegations contained in Paragraph 4.18.3.

9 4.18.4 Defendants deny the allegations contained in Paragraph 4.18.4.

10 4.18.5 Defendants deny the allegations contained in Paragraph 4.18.5.

11 4.18.6 Defendants deny the allegations contained in Paragraph 4.18.6.

12 4.18.7 Defendants deny the allegations contained in Paragraph 4.18.7.

13 4.18.8 Defendants deny the allegations contained in Paragraph 4.18.8.

14 4.18.9 Defendants deny the allegations contained in Paragraph 4.18.9.

15 4.18.10 Defendants deny the allegations contained in Paragraph
16 4.18.10.

17 4.19 Defendants deny the allegations contained in Paragraph 4.19.

18 4.20 Defendants currently lack knowledge sufficient to form a belief as to the
19 allegations contained in Paragraph 4.20 and therefore deny the same.

20 4.21 Defendants deny the allegations contained in Paragraph 4.21.

21 4.22 Defendants admit that the May 26, 2023 memorandum speaks for itself and
22 deny the remainder of the allegations contained in Paragraph 4.22.

23 4.23 Defendants deny the allegations contained in Paragraph 4.23.

24 V. CAUSES OF ACTION

25 5.1 Defendants deny the allegations contained in Paragraph 5.1.

26 5.2 Defendants deny the allegations contained in Paragraph 5.2.

VI. REQUEST FOR RELIEF

6.1 Defendants deny the request for relief in Paragraph 6.1.

6.2 Defendants deny the request for relief in Paragraph 6.2.

6.3 Defendants deny the request for relief in Paragraph 6.3.

6.4 Defendants deny the request for relief in Paragraph 6.4.

6.5 Defendants deny the request for relief in Paragraph 6.5.

6.6 Defendants deny the request for relief in Paragraph 6.6.

6.7 Defendants deny the request for relief in Paragraph 6.7.

BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSE, Defendant states and alleges as follows:

1. **MITIGATION OF DAMAGES:** That if the Plaintiff suffered any damages, recovery therefore is barred by Plaintiff's failure to mitigate said damages.

2. **UNDUE HARDSHIP:** that accommodation would have imposed an undue hardship on operation of Defendant's business.

PRAYER FOR RELIEF

WHEREFORE, Defendants CITY OF FEDERAL WAY AND STEPHEN MCNEY pray for the following relief:

1. That Plaintiff's complaint be dismissed with prejudice, and that Plaintiff take nothing by her complaint;

2. That Defendants be allowed their statutory costs and reasonable attorney fees incurred herein; and

3. For such additional relief the Court may deem just and equitable.

JURY TRIAL DEMANDED

The Defendants respectfully demand their right to a trial by jury in this matter.

1 DATED this 11th day of July 2025.

2 KEATING, BUCKLIN & McCORMACK, INC., P.S.

3 By: /s/ Amanda Butler

4 Amanda Butler, WSBA #40473

5 *Attorneys for Defendants*

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DEFS' ANSWER TO COMPLAINT AND AFF.

DEFENSES - 7

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1002-02021/752075

KEATING, BUCKLIN & McCORMACK, INC., P.S.

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CERTIFICATE OF SERVICE

I hereby certify that on the below date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiff

Joseph Shaeffer, WSBA #33273
Adarsh Niranjana Parthasarathy, WSBA #62319
MacDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, WA 98104
206-622-1604
Email: Joe@mhb.com
adarshp@mhb.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A.

DATED: July 11, 2025

/s/ Amanda Butler

Amanda Butler, WSBA #40473